

**Executive Summary – Enforcement Matter – Case No. 45102**

**ConocoPhillips Company**

**RN101619179**

**Docket No. 2012-1975-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Sweeny Refinery, Intersection of State Highway 35 and Farm-to-Market Road 524, Brazoria County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes 2012-2231-AIR-E, 2012-1125-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 25, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,300

**Amount Deferred for Expedited Settlement:** \$1,660

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,640

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 45102**  
**ConocoPhillips Company**  
**RN101619179**  
**Docket No. 2012-1975-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 25, 2012  
**Date(s) of NOE(s):** August 31, 2012

***Violation Information***

Failed to submit a Permit Compliance Certification ("PCC") within 30 days of the end of the certification period. Specifically, the PCC for the period of November 20, 2010 through May 20, 2011 was due by June 20, 2011, but was not submitted until August 7, 2012 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1626, General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On August 7, 2012, Respondent submitted the PCC for the November 20, 2010 through May 20, 2011 certification period.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Katy Schumann, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2602; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Gary A. Freiburger, Sweeny Refinery General Manager, ConocoPhillips Company, 3010 Briarpark Drive, Houston, Texas 77042  
Cynthia Jordy, Environmental Team Leader, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES** **Assigned** 4-Sep-2012 **PCW** 8-Oct-2012 **Screening** 28-Sep-2012 **EPA Due** 27-May-2013

## RESPONDENT/FACILITY INFORMATION

**Respondent** ConocoPhillips Company  
**Reg. Ent. Ref. No.** RN101619179  
**Facility/Site Region** 12-Houston **Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 45102 **No. of Violations** 1  
**Docket No.** 2012-1975-AIR-E **Order Type** 1660  
**Media Program(s)** Air **Government/Non-Profit** No  
**Multi-Media** **Enf. Coordinator** Katy Schumann  
**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 257.0% Enhancement **Subtotals 2, 3, & 7** \$6,425

**Notes** Enhancement for ten NOVs with dissimilar violations, five final enforcement orders containing a denial of liability, and six final enforcement orders without a denial of liability. Adjustment for seven notices of intended audits and three disclosures of violations.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$625

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$28  
 Approx. Cost of Compliance \$500  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$8,300

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$8,300

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$8,300

**DEFERRAL** 20.0% Reduction **Adjustment** -\$1,660

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$6,640

Screening Date 28-Sep-2012

Docket No. 2012-1975-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 45102

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Katy Schumann

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 0                 | 0%      |
|                               | Other written NOVs   | 10                | 20%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 5                 | 100%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 6                 | 150%    |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 7                 | -7%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 3                 | -6%     |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 257%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for ten NOVs with dissimilar violations, five final enforcement orders containing a denial of liability, and six final enforcement orders without a denial of liability. Adjustment for seven notices of intended audits and three disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 257%

Screening Date 28-Sep-2012  
Respondent ConocoPhillips Company  
Case ID No. 45102

Docket No. 2012-1975-AIR-E

PCW

Policy Revision 2 (September 2002)  
PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Katy Schumann

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1626, General Terms and Conditions

Violation Description

Failed to submit a Permit Compliance Certification ("PCC") within 30 days of the end of the certification period. Specifically, the PCC for the period of November 20, 2010 through May 20, 2011 was due by June 20, 2011, but was not submitted until August 7, 2012.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

>> Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               | x     |          |       |

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

414 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event | x |

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      | x          |                               |
| N/A           |            | (mark with x)                 |

Notes

The Respondent achieved compliance on August 7, 2012.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$8,300

This violation Final Assessed Penalty (adjusted for limits) \$8,300

# Economic Benefit Worksheet

**Respondent** ConocoPhillips Company

**Case ID No.** 45102

**Reg. Ent. Reference No.** RN101619179

**Media** Air

**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

## Delayed Costs

|                          |       |             |            |      |      |     |      |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment                |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |       |             |            | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |             |            | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$500 | 20-Jun-2011 | 7-Aug-2012 | 1.13 | \$28 | n/a | \$28 |

Notes for DELAYED costs

Estimated cost to submit the PCC. The Date Required is the date the PCC was due. The Final Date is the date compliance was achieved.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PENDING** Compliance History Report for CN601674351, RN101619179, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

|   |   |                         |              |                |       |
|---|---|-------------------------|--------------|----------------|-------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN601674351, ConocoPhillips Company   | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 15.97 |
| <b>Regulated Entity:</b>                        | RN101619179, SWEENEY REFINERY   | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 12.52 |
| <b>Complexity Points:</b>                       | 33  | <b>Repeat Violator:</b> | NO           |                |       |
| <b>CH Group:</b>                                | 02 - Oil and Petroleum Refineries   |                         |              |                |       |
| <b>Location:</b>                                | LOCATED AT THE INTERSECTION OF STATE HIGHWAY 35 AND FARM-TO-MARKET ROAD 524, BRAZORIA COUNTY, TEXAS |                         |              |                |       |
| <b>TCEQ Region:</b>                             | REGION 12 - HOUSTON   |                         |              |                |       |

### ID Number(s):

**AIR NEW SOURCE PERMITS** REGISTRATION 72035  
**AIR NEW SOURCE PERMITS** REGISTRATION 10779  
**AIR NEW SOURCE PERMITS** REGISTRATION 12993  
**AIR NEW SOURCE PERMITS** REGISTRATION 13929  
**AIR NEW SOURCE PERMITS** PERMIT 1486A  
**AIR NEW SOURCE PERMITS** PERMIT 5920A  
**AIR NEW SOURCE PERMITS** PERMIT 7754A  
**AIR NEW SOURCE PERMITS** PERMIT 21265  
**AIR NEW SOURCE PERMITS** REGISTRATION 24161  
**AIR NEW SOURCE PERMITS** REGISTRATION 26533  
**AIR NEW SOURCE PERMITS** PERMIT 30513  
**AIR NEW SOURCE PERMITS** REGISTRATION 35367  
**AIR NEW SOURCE PERMITS** REGISTRATION 35780  
**AIR NEW SOURCE PERMITS** REGISTRATION 42367  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER BL0042G  
**AIR NEW SOURCE PERMITS** REGISTRATION 75616  
**AIR NEW SOURCE PERMITS** REGISTRATION 75713  
**AIR NEW SOURCE PERMITS** REGISTRATION 70113  
**AIR NEW SOURCE PERMITS** REGISTRATION 54666  
**AIR NEW SOURCE PERMITS** REGISTRATION 53563  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX103M1  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX103M2  
**AIR NEW SOURCE PERMITS** REGISTRATION 76644  
**AIR NEW SOURCE PERMITS** REGISTRATION 77648  
**AIR NEW SOURCE PERMITS** REGISTRATION 77156  
**AIR NEW SOURCE PERMITS** REGISTRATION 77152  
**AIR NEW SOURCE PERMITS** REGISTRATION 77155  
**AIR NEW SOURCE PERMITS** REGISTRATION 78566  
**AIR NEW SOURCE PERMITS** REGISTRATION 81104  
**AIR NEW SOURCE PERMITS** REGISTRATION 82601  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX1210  
**AIR NEW SOURCE PERMITS** PERMIT 91902  
**AIR NEW SOURCE PERMITS** REGISTRATION 95086  
**AIR NEW SOURCE PERMITS** REGISTRATION 25389  
**AIR OPERATING PERMITS** PERMIT 1626

**AIR NEW SOURCE PERMITS** REGISTRATION 72036  
**AIR NEW SOURCE PERMITS** REGISTRATION 12344  
**AIR NEW SOURCE PERMITS** REGISTRATION 13744  
**AIR NEW SOURCE PERMITS** REGISTRATION 13978  
**AIR NEW SOURCE PERMITS** PERMIT 5689A  
**AIR NEW SOURCE PERMITS** PERMIT 7467A  
**AIR NEW SOURCE PERMITS** PERMIT 18142  
**AIR NEW SOURCE PERMITS** PERMIT 22086  
**AIR NEW SOURCE PERMITS** REGISTRATION 24717  
**AIR NEW SOURCE PERMITS** REGISTRATION 25434  
**AIR NEW SOURCE PERMITS** REGISTRATION 33153  
**AIR NEW SOURCE PERMITS** REGISTRATION 35506  
**AIR NEW SOURCE PERMITS** REGISTRATION 39026  
**AIR NEW SOURCE PERMITS** REGISTRATION 43038  
**AIR NEW SOURCE PERMITS** REGISTRATION 55489  
**AIR NEW SOURCE PERMITS** REGISTRATION 75905  
**AIR NEW SOURCE PERMITS** AFS NUM 4803900010  
**AIR NEW SOURCE PERMITS** PERMIT 49140  
**AIR NEW SOURCE PERMITS** REGISTRATION 52705  
**AIR NEW SOURCE PERMITS** REGISTRATION 74130  
**AIR NEW SOURCE PERMITS** REGISTRATION 76776  
**AIR NEW SOURCE PERMITS** REGISTRATION 76731  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX103M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 77153  
**AIR NEW SOURCE PERMITS** REGISTRATION 77157  
**AIR NEW SOURCE PERMITS** REGISTRATION 77154  
**AIR NEW SOURCE PERMITS** REGISTRATION 77336  
**AIR NEW SOURCE PERMITS** PERMIT 80806  
**AIR NEW SOURCE PERMITS** REGISTRATION 82689  
**AIR NEW SOURCE PERMITS** REGISTRATION 88376  
**AIR NEW SOURCE PERMITS** EPA ID N124  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX103M4  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX751M1  
**AIR QUALITY NON PERMITTED** ACCOUNT NUMBER BL0042G  
**AIR OPERATING PERMITS** PERMIT 1626



**AIR OPERATING PERMITS** ACCOUNT NUMBER BL0042G  
**WASTEWATER PERMIT** WQ0000721000

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 83813

**USED OIL REGISTRATION** C88564

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD048210645  
**INDUSTRIAL AND HAZARDOUS WASTE PERMIT** 50186

**STORMWATER PERMIT** TXR05BI94  
**WASTE WATER GENERAL PERMIT** PERMIT TXG670203

**WASTEWATER** EPA ID TX0007536  
**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 20580  
**IHW CORRECTIVE ACTION SOLID WASTE**  
REGISTRATION # (SWR) 30048

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
BL0042G  
**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
REGISTRATION # (SWR) 30048  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00531  
**STORMWATER PERMIT** TXR05BI93

**Compliance History Period:** September 01, 2007 to August 31, 2012  
09/01/2012  
**Rating Year:** 2012  
**Rating Date:**

**Date Compliance History Report Prepared:** October 01, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 28, 2007 to September 28, 2012

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Katy Schumann

**Phone:** (512) 239-2602

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If YES for #2, who is the current owner/operator?   | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)?                                     | N/A |
| 5) If YES, when did the change(s) in owner or operator occur?                                      | N/A |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- |   |  |   |
|---|--|---|
| 1 | Effective Date: 03/08/2008   | ADMINORDER 2007-0670-AIR-E (Findings Order) |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  |   |
|   | 5C THC Chapter 382, SubChapter A 382.085(b)  |   |
|   | Rqmt Prov Special Condition 1 PERMIT   |   |
|   | Description: Failed to prevent unauthorized emissions.   |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  |   |
|   | 5C THC Chapter 382, SubChapter D 382.085(b)  |   |
|   | Rqmt Prov Permit 49140, Special Condition 12 PERMIT  |   |
|   | Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off. |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  |   |
|   | 5C THC Chapter 382, SubChapter D 382.085(b)  |   |
|   | Rqmt Prov Permit Representations PERMIT  |   |
|   | Description: Failed to prevent unauthorized emissions.   |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  |   |
|   | 5C THC Chapter 382, SubChapter A 382.085(b)  |   |
|   | Rqmt Prov Permit Representations PERMIT  |   |
|   | Description: Failed to prevent unauthorized emissions.   |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  |   |
|   | 5C THC Chapter 382, SubChapter A 382.085(b)  |   |
|   | Rqmt Prov Special Condition 1 PERMIT   |   |
|   | Description: Failed to prevent unauthorized emissions.   |   |

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov TCEQ Air Permit No. 5920A, SC #1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

2 Effective Date: 06/05/2008 ADMINORDER 2007-1194-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov Special Condition 1 PA

TCEQ Air Permit No. SP75864, GC #8 PERMIT

Description: Failed to control unauthorized emissions from April 2 through April 10, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 1A OP

Description: Failed to maintain the RTO at or above the required 1500°F.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 19 OP

FOP O-01626, ST&C 1A OP

Permit 18142, Special Condition 15 PERMIT

Permit 22086, Special Condition 9 PERMIT

Permit 30513, Special Condition 5 PERMIT

Permit 5920A, Special Condition 4B PERMIT

Permit 7467A, Special Condition 4 PERMIT

Description: Failed to maintain a continuous pilot light on four flares.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 19 OP  
FOP O-01626, ST&C 1A OP  
Permit 5920A, Special Condition 1 PERMIT  
Permit 5920A, Special Condition 9 PERMIT

Description: Failed to comply with the SRU TGI (EPN 28.2-36-2) MAER for SO<sub>2</sub> of 115.42 lbs/hr and/or an in-stack hourly average concentration of 250 ppmv.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 19 OP  
FOP O-01626, ST&C 1A OP  
Permit 30513, Special Condition 1 PERMIT  
Permit 5920A, Special Condition 1 PERMIT  
Permit 5920A, Special Condition 23 PERMIT

Description: Failed to comply with the CO emission rates on the HOC Unit Regenerator Stack (EPN 27.1-36-RE), Vacuum Unit Heater (EPN 29.1-36-1), Coke Heaters (EPN Unit 29.2-36-CS), and CCR Furnace (EPN 35-36-1)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 19 OP  
FOP O-01626, ST&C 1A OP  
Permit 5920A, Special Condition 3 PERMIT

Description: Failed to comply with the average fuel gas H<sub>2</sub>S maximum concentration limit of 160 ppmv for one hour and/or the three-hour rolling average of 162 ppmv.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-01626, ST&C 1A OP

Description: Failed to maintain the pH level in the Caustic Scrubber (EPN 35-95-102) at or above 7.68.

3 Effective Date: 06/19/2008 ADMINORDER 2007-1730-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions

4 Effective Date: 03/12/2009 ADMINORDER 2008-0687-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 103700.

- 5 Effective Date: 06/15/2009 ADMINORDER 2008-1890-AIR-E (1660 Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov TCEQ Air Permit No. 5920A, SC #1 PERMIT  
Description: Failure to prevent unauthorized emissions, specifically, Conoco failed to prevent a high level of hydrocarbons from traveling to the gas liquid knockout drum causing the Wet Gas Compressor to trip offline.
- 6 Effective Date: 09/21/2009 ADMINORDER 2009-0301-AIR-E (Findings Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions. The regulated entity failed to bypass the Fail Safe Controller due to operator error.
- 7 Effective Date: 01/28/2010 ADMINORDER 2009-1203-AIR-E (1660 Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov #5920A, Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 987.26 pounds ("lbs") of sulfur dioxide, 731.86 lbs of carbon monoxide, 314 lbs of volatile organic compounds, 37.8 lbs of nitrogen oxide and 9.84 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to th
- 8 Effective Date: 03/20/2010 ADMINORDER 2009-1481-AIR-E (Findings Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov Permit 30513 SC 1 PERMIT  
Permit 7467 SC No. 1 PERMIT  
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the ultrasonic meter probe contacting a bare, hot wire thus shutting down Units 26.1 and 26.2  
Violation track nos. 373115 and 373119 were combined into violation track no.371461 as all violations stemmed from one emissions event.

- 9 Effective Date: 08/30/2010 ADMINORDER 2010-0284-AIR-E (Findings Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions. Since the cause of the event was never clearly defined, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.
- 10 Effective Date: 07/02/2011 ADMINORDER 2010-2001-AIR-E (1660 Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The un
- 11 Effective Date: 03/03/2012 ADMINORDER 2011-1766-AIR-E (Findings Order)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov Permit No. 5920A & PSDTX103M4, SC1 PA  
Special Condition No. 1 PERMIT  
Special Terms and Conditions No. 19 OP  
Description: Failure to prevent unauthorized emissions. ConocoPhillips failed to prevent a power interruption at the refinery during maintenance activities.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

|         |                   |          |
|---------|-------------------|----------|
| Item 1  | October 12, 2007  | (595879) |
| Item 2  | October 16, 2007  | (597749) |
| Item 3  | November 02, 2007 | (571706) |
| Item 4  | November 06, 2007 | (599098) |
| Item 5  | November 20, 2007 | (608723) |
| Item 6  | December 03, 2007 | (609822) |
| Item 7  | December 17, 2007 | (612145) |
| Item 8  | December 18, 2007 | (599171) |
| Item 9  | December 19, 2007 | (612456) |
| Item 10 | December 21, 2007 | (600228) |
| Item 11 | January 03, 2008  | (612155) |
| Item 12 | January 14, 2008  | (613926) |
| Item 13 | January 24, 2008  | (612103) |
| Item 14 | January 31, 2008  | (613321) |

|         |                    |          |
|---------|--------------------|----------|
| Item 15 | February 11, 2008  | (613195) |
| Item 16 | February 13, 2008  | (608867) |
| Item 17 | February 14, 2008  | (618465) |
| Item 18 | March 27, 2008     | (639901) |
| Item 19 | April 09, 2008     | (641666) |
| Item 20 | April 17, 2008     | (653311) |
| Item 21 | April 30, 2008     | (653939) |
| Item 22 | May 19, 2008       | (639382) |
| Item 23 | June 06, 2008      | (640956) |
| Item 24 | July 21, 2008      | (685742) |
| Item 25 | August 01, 2008    | (687062) |
| Item 26 | August 11, 2008    | (689155) |
| Item 27 | August 22, 2008    | (805052) |
| Item 28 | September 20, 2008 | (702288) |
| Item 29 | September 25, 2008 | (805054) |
| Item 30 | October 01, 2008   | (703544) |
| Item 31 | October 22, 2008   | (805056) |
| Item 32 | October 30, 2008   | (706377) |
| Item 33 | November 24, 2008  | (805058) |
| Item 34 | December 04, 2008  | (707940) |
| Item 35 | December 17, 2008  | (700784) |
| Item 36 | December 22, 2008  | (805060) |
| Item 37 | January 21, 2009   | (709192) |
| Item 38 | February 03, 2009  | (723350) |
| Item 39 | February 13, 2009  | (709189) |
| Item 40 | February 20, 2009  | (709498) |
| Item 41 | February 23, 2009  | (805045) |
| Item 42 | February 27, 2009  | (735795) |
| Item 43 | March 11, 2009     | (805047) |
| Item 44 | March 20, 2009     | (726792) |
| Item 45 | March 27, 2009     | (726794) |
| Item 46 | April 03, 2009     | (709031) |
| Item 47 | April 21, 2009     | (805048) |
| Item 48 | May 26, 2009       | (805049) |
| Item 49 | June 05, 2009      | (741192) |
| Item 50 | June 24, 2009      | (805050) |
| Item 51 | June 25, 2009      | (742122) |
| Item 52 | July 21, 2009      | (805051) |
| Item 53 | July 23, 2009      | (761549) |
| Item 54 | July 31, 2009      | (749895) |
| Item 55 | August 10, 2009    | (760953) |
| Item 56 | August 20, 2009    | (805053) |
| Item 57 | September 18, 2009 | (805055) |
| Item 58 | November 23, 2009  | (805059) |
| Item 59 | December 03, 2009  | (779587) |
| Item 60 | December 18, 2009  | (785568) |
| Item 61 | December 23, 2009  | (805061) |
| Item 62 | January 25, 2010   | (805063) |
| Item 63 | February 01, 2010  | (788979) |
| Item 64 | February 16, 2010  | (791839) |
| Item 65 | February 17, 2010  | (787393) |
| Item 66 | February 22, 2010  | (787724) |
| Item 67 | March 15, 2010     | (794228) |
| Item 68 | March 22, 2010     | (831019) |
| Item 69 | May 21, 2010       | (831021) |
| Item 70 | May 26, 2010       | (801655) |
| Item 71 | June 21, 2010      | (798906) |
| Item 72 | June 25, 2010      | (827684) |
| Item 73 | August 23, 2010    | (866880) |
| Item 74 | September 02, 2010 | (843405) |

|         |                    |           |
|---------|--------------------|-----------|
| Item 75 | September 03, 2010 | (843440)  |
| Item 76 | September 20, 2010 | (873950)  |
| Item 77 | October 21, 2010   | (881547)  |
| Item 78 | October 29, 2010   | (872298)  |
| Item 79 | December 06, 2010  | (880440)  |
| Item 80 | December 20, 2010  | (888069)  |
| Item 81 | February 14, 2011  | (891039)  |
| Item 82 | February 22, 2011  | (909135)  |
| Item 83 | March 09, 2011     | (877964)  |
| Item 84 | March 18, 2011     | (916386)  |
| Item 85 | April 25, 2011     | (906079)  |
| Item 86 | May 23, 2011       | (938072)  |
| Item 87 | June 06, 2011      | (915898)  |
| Item 88 | June 13, 2011      | (919865)  |
| Item 89 | June 17, 2011      | (924158)  |
| Item 90 | June 21, 2011      | (921628)  |
| Item 91 | July 25, 2011      | (952669)  |
| Item 92 | August 15, 2011    | (959355)  |
| Item 93 | August 19, 2011    | (923224)  |
| Item 94 | September 22, 2011 | (965387)  |
| Item 95 | January 30, 2012   | (984353)  |
| Item 96 | May 15, 2012       | (1016495) |
| Item 97 | June 13, 2012      | (1024218) |
| Item 98 | July 25, 2012      | (1009419) |

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

|   |  |                          |  |
|---|--|--------------------------|--|
| 1 | Date: 10/31/2011 (977583)  | CN601674351              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 2 | Date: 12/31/2011 (990649)  | CN601674351              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 3 | Date: 01/31/2012 (998013)  | CN601674351              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 4 | Date: 02/29/2012 (1003539)   | CN601674351              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 5 | Date: 03/31/2012 (1010104)   | CN601674351              |  |
|   | Self Report? YES   | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                          |  |
| 6 | Date: 05/08/2012 (984166)  | CN601674351              |  |
|   | Self Report? NO  | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>PROVISION VII.G.2. PERMIT                 |                          |  |
|   | Description: Failure to maintain the cover on the East Landfarm (Permit Unit No. 1, NOR            |                          |  |

- 7      Date: 06/22/2012 (1008800)      CN601674351  
 Self Report? NO      Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. Incident # 167766 occurred on April 24, 2012 in Unit 68.1 - Refinery Tank Farm due to the leak in the propylene-propane mix pipeline due to pipe corrosion resulting in the release the following unauthorized fugitive emissions from the pipeline: 132 lbs of propylene, 42.0 lbs of propane, and 4.00 lbs of ethane. [Category B13]
- 8      Date: 06/30/2012 (1031610)      CN601674351  
 Self Report? YES      Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 9      Date: 07/18/2012 (1013349)      CN601674351  
 Self Report? NO      Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Subcategory A.12(i)(6)]
- 10      Date: 09/21/2012 (1023036)      CN601674351  
 Self Report? NO      Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an excess opacity event.

#### F. Environmental audits:

Notice of Intent Date: 08/02/2007 (594140)

Disclosure Date: 01/03/2008

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter D 115.354  
 30 TAC Chapter 115, SubChapter H 115.781  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1  
 40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to close open ended lines.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter D 115.354  
 30 TAC Chapter 115, SubChapter H 115.781  
 30 TAC Chapter 115, SubChapter H 115.783  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)  
 40 CFR Part 63, Subpart H 63.168

Description: Failure to properly communicate management of change; therefore, components were not evaluated, documented, tagged and monitored in a timely manner.

Notice of Intent Date: 07/27/2009 (764948)

No DOV Associated

Notice of Intent Date: 09/16/2009 (777741)

No DOV Associated



Notice of Intent Date: 09/07/2010 (858408)

Disclosure Date: 06/17/2011

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failure to repair HRVOC>10,000-ppm within 7- calendar days.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

Description: Failure in having 6x open-ended lines.

Viol. Moderate

Classification:

Rqmt Prov: PERMIT SC 6H

Description: Failure to perform 5-day first attempt and 15-day final repair.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)

30 TAC Chapter 115, SubChapter D 115.354(2)

Description: Failure to monitor within 30 days of hydrocarbon service and perform subsequent quarterly monitoring of light liquid and gas/vapor components.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.782

30 TAC Chapter 115, SubChapter H 115.782(c)

Description: Failure to perform emissions calculations and extraordinary attempts for HRVOC components placed on Delay of Repair(DOR).

Notice of Intent Date: 07/08/2011 (941850)

Disclosure Date: 12/16/2011

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)

30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 21265 SC 2

PERMIT S.C. 12

PERMIT S.C. 25

Description: Failure to conduct monitoring within 30 days of hydrocarbon service and failure to perform subsequent quarterly monitoring of light liquid and gas/vapor components (Approximately 0.01% error rate). Additionally, failure to correctly designate components for monitoring and failure to perform subsequent quarterly monitoring of light liquid and gas/vapor components (Approximately 0.01% and 1.8% error rate). According to Permit 590A SC 25, Permit 30513 SC 12, and Permit 21265 SC 2

Notice of Intent Date: 12/06/2011 (989451)

No DOV Associated

Notice of Intent Date: 05/22/2012 (1014066)

No DOV Associated

Notice of Intent Date: 07/25/2012 (1027881)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CONOCOPHILLIPS COMPANY  
RN101619179**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1975-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at the intersection of State Highway 35 and Farm-to-Market Road 524 in Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on September 5, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Three Hundred Dollars (\$8,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Six Hundred Forty Dollars (\$6,640) of the administrative penalty and One Thousand Six Hundred Sixty Dollars

- (\$1,660) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  9. The Executive Director recognizes that on August 7, 2012, the Respondent submitted the Permit Compliance Certification ("PCC") for the November 20, 2010 through May 20, 2011 certification period.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a PCC within 30 days of the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1626, General Terms and Conditions, as documented during a record review conducted on July 25, 2012. Specifically, the PCC for the period of November 20, 2010 through May 20, 2011 was due by June 20, 2011, but was not submitted until August 7, 2012.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2012-1975-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Danner Jr  
For the Executive Director

2/18/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Larry A. Furber  
Signature

12/4/2012  
Date

GARY A. FREIBURGER  
Name (Printed or typed)  
Authorized Representative of  
ConocoPhillips Company

General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.